

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA
Title III

Case No. 17-BK-3283-LTS

(Jointly Administered)

Re: ECF No. 8244, 8972

**MODIFICATION TO URGENT JOINT MOTION OF OVERSIGHT BOARD AND
AAFAF FOR ORDER EXTENDING (A) STAY PERIOD, (B) MANDATORY
MEDIATION, AND (C) CERTAIN DEADLINES RELATED THERETO**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative in these Title III Cases pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² and the Puerto Rico Fiscal Agency and Financial Authority (“AAFAF,” and together with the Oversight Board, “Movants”), respectfully submit this modification to the joint urgent motion [ECF No. 8972] (the “Urgent

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

Motion”)³ requesting entry of an order, substantially in the form annexed hereto as **Exhibit B** (the “Proposed Order”), (a) extending the stay of certain adversary proceedings and contested matters as provided for on Appendix I in the *Order Regarding Stay Period and Mandatory Mediation* [ECF No. 8244] (the “Stay Order”) from November 30, 2019 to December 31, 2019, (the “Stayed Proceedings”), to the extent not otherwise addressed pursuant to subsequent orders of the Court, (b) extending mandatory mediation to permit the parties to continue to participate in discussions and communications facilitated by the Honorable Barbara J. Houser and the Honorable Roberta Colton (the “Mediation Team”), and (c) extending certain dates and deadlines related thereto. In support of this Urgent Motion, Movants respectfully state as follows:

Modification to Urgent Motion

1. On October 24, 2019, Movants filed the Urgent Motion, a copy of which is annexed hereto as **Exhibit A**.

2. By an order, dated October 24, 2019, the Court established (a) **October 25, 2019 at 5:00 P.M.** as the date and time for any responses to the Urgent Motion and the relief requested therein to be filed, and (b) **October 26, 2019 at 5:00 P.M.** as the date and time for any replies to any such responses. *See* ECF No. 8986.

3. Since the filing of the Urgent Motion, a request has been made to Movants that the “Stay,” if extended and as applicable to a particular Stayed Proceeding, expire upon the earlier to occur of (a) December 31, 2019 and (b) the date set forth in an order entered by the Court with respect to that particular Stayed Proceeding. Although the Urgent Motion and proposed order already reflected that possibility, Movants have modified the proposed order to expressly reflect

³ Capitalized terms used herein shall have the meanings ascribed thereto in the Urgent Motion.

such request, rather than reference such possibility in a footnote and a revised proposed order is attached hereto as **Exhibit B**.

4. Lastly, in paragraph 11 of the Urgent Motion, reference was made to “all Mediation parties” having been advised in advance of the filing of the Urgent Motion. Such reference should have been to all Mediation parties in attendance at the Mediation Term’s session discussing a global resolution of the Title III cases.

No Prior Request

5. Except as requested herein, no prior request for the relief requested herein has been made to this or any other court. Additionally, unless modified herein, the relief requested in the Urgent Motion remains unchanged.

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WHEREFORE Movants respectfully request the Court enter the Proposed Order attached as **Exhibit B**, granting the relief requested herein and all other relief as is just and proper.

Dated: October 25, 2019
San Juan, Puerto Rico

Respectfully submitted,

/s/ Martin J. Bienenstock

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer